

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Michael J. Menden,

Civil No. 10cv04635 DWF/JJK

Plaintiff,

v.

**PRETRIAL SCHEDULING ORDER**

Interstate Credit Control, Inc., et al.,

Defendant.

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Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

**DISCOVERY DEADLINES AND LIMITS**

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **March 4, 2011**.
2. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **May 16, 2011**.
3. Fact discovery shall be commenced in time to be completed on or before December 15, 2011. **Any motion for leave to assert punitive damages must be brought by December 15, 2011.**
4. No more than a total of **30 interrogatories**, counted in accordance with Rule 33(a), shall be served by each side. No more than **40 document requests** and no more than **45 requests for admissions** shall be served by each side.

5. No more than **12** depositions, excluding expert witness depositions, shall be taken by each side.
6. Non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **December 15, 2011**.
7. Each side may call up to **2** expert witnesses. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:
  - a. Identities by Plaintiff on or before **July 1, 2011**.  
Reports by Plaintiff on or before **July 1, 2011**.
  - b. Identities by Defendant on or before **August 1, 2011**.  
Reports by Defendant on or before **September 1, 2011**.
  - c. Plaintiff's rebuttal reports on or before **October 1, 2011**.
8. Each side may take one deposition per expert. Expert discovery, including depositions, shall be completed by **December 15, 2011**. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **December 15, 2011**.
9. No more than **2** Rule 35 medical examinations shall be taken on or before **December 15, 2011**.

#### **NON-DISPOSITIVE MOTIONS: GUIDELINES**

All non-dispositive motions shall comply with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, **and be in the form prescribed by Local Rule 37.2**. The "Meet and Confer" requirement should include attempts to do so through personal contact, rather than solely through correspondence. All non-dispositive motions shall be scheduled for hearing by calling Jackie Phipps, Judicial Assistant to Magistrate

Judge Keyes, at 651/848-1180, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

**DISPOSITIVE MOTIONS: GUIDELINES AND DEADLINES**

All dispositive motions shall be filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and Local Rule 7.1. Dispositive motions shall be scheduled for a hearing by calling **Brenda Schaffer**, Calendar Clerk for the Honorable Donovan W. Frank at **(651) 848-1296**. Counsel are reminded that they must anticipate the time required for obtaining hearing dates. All dispositive motions shall be filed and served on or before **February 15, 2012**.

**TRIAL**

This case shall be ready for a **jury** trial on **June 15, 2012**. The anticipated length of trial is **4** days.

Dated: February 24, 2011

*s/ Jeffrey J. Keyes*

JEFFREY J. KEYES

United States Magistrate Judge